



PUBLIC NOTICE

Federal Communications Commission
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DA 09-2183

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**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND WIRELESS
TELECOMMUNICATIONS BUREAU SEEK COMMENT ON THE PETITION BY
ENTERPRISE WIRELESS ALLIANCE REQUESTING THE CREATION OF NEW,
FULL POWER, INTERSTITIAL 12.5 KHZ CHANNELS IN THE 800 MHz BAND**

RM-11572

Comment Date: November 9, 2009

Reply Comment Date: November 24, 2009

The Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau (the Bureaus) invite public comment on the petition for rulemaking submitted on April 29, 2009, by Enterprise Wireless Alliance (EWA).¹ EWA petitions the Commission, pursuant to Section 1.401 of the Commission's Rules,² to initiate a rulemaking procedure to revise the channel plan for the 800 MHz band.³ Specifically, EWA requests that the Commission assign new, full-power, interstitial 12.5 kHz bandwidth channels between currently authorized 25 kHz bandwidth channels in the 809-816 MHz/854-861 MHz sub-bands.⁴ EWA asserts that the creation of new 12.5 kHz bandwidth channels will provide greater spectrum efficiency, permit the development of new analog and digital technologies, and provide a viable spectrum alternative to new entrants without compromising incumbent operations.⁵ The Bureaus seek comment on whether to grant EWA's request to initiate a rulemaking proceeding to consider the above-described rule change.

Pursuant to Section 1.405 of the Commission's rules,⁶ interested parties may file comments in support of or in opposition to the EWA Petition on or before November 9, 2009. Replies must be submitted on or before November 24, 2009. All comments in support of or in opposition to the EWA Petition and replies to such comments must reference that petition in the caption and RM-11572.

¹ See Petition for Rulemaking of the Enterprise Wireless Alliance, filed April 29, 2009 (EWA Petition).

² 47 C.F.R. § 1.401.

³ The 800 MHz band extends from 806 MHz to 824 MHz paired with 851 MHz to 869 MHz. See 47 C.F.R. § 90.601.

⁴ EWA Petition at 1. EWA's proposal would affect only the "interleaved" and "expansion band" channels in the 800 MHz band. EWA thus represents that its proposal would not affect the existing or former National Public Safety Planning Advisory Committee (NPSPAC) band segment or Sprint Nextel Corporation's iDEN network. *Id.* at n.2.

⁵ *Id.*

⁶ 47 C.F.R. § 1.405.

Parties can file comments using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments in support of or in opposition to the Petition and replies to such comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the rulemaking number. Parties may also submit an electronic comment in support of or in opposition to the Petition and/or replies thereto by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message: "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although the Commission continues to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to: Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, D.C. 20554. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, M.D. 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Documents submitted in RM-11572, including the EWA Petition, will be accessible via the Commission's ECFS (at: <http://www.fcc.gov/cgb/ecfs>) by entering RM-11572 in the "Proceeding" search field. These documents also will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing such presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.⁸ Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.⁹

For further information, contact Mr. Brian Marengo of the Policy Division, Public Safety and Homeland Security Bureau at 202-418-0838 (voice), 202-418-7233 (tty), or via e-mail to Brian.Marengo@fcc.gov or Mr. Scot Stone of the Mobility Division, Wireless Telecommunications Bureau at 202-418-0638 (voice), 202-418-7233 (tty), or via e-mail to Scot.Stone@fcc.gov.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau and Deputy Chief, Wireless Telecommunications Bureau.

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⁷ 47 C.F.R. § 1.1200 *et seq.*

⁸ *See* 47 C.F.R. § 1.1206(b)(2).

⁹ 47 C.F.R. § 1.1206(b).